

Wilton Conservation Commission

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Leslie P. Tallarico, Alternate

To: Wilton Select Board

CC: Wilton Planning Board

From: Wilton Conservation Commission

Re: Urbanized Shoreline Exemption

Date: July 15, 2019

Your Wilton Conservation Commission (WCC) met July 2, 2019 and reviewed and discussed the Planning Board's application for an Urbanized Shoreline Exemption. The spirit and intention of this exemption is to remove any state permitting process or oversight imposed by RSA Chapter 483-B within designated portions of municipalities where shorelines are so developed as to have nothing of environmental value left to protect.

According to WCC's charter, we are stewards of the natural and historic resources within the Town. It is our strong recommendation that the current Planning Board, working with town staff, have additional discussions about 1) whether the proposed area qualifies for the state exemption program, 2) the immediate policy goals and objectives to be achieved by exemption from state regulations in the shoreline protection zone, and 3) the long term implications for the town, if the application were to be granted.

The Commissioners voted unanimously to object to filing for this exemption for the following reasons:

- 1) The application is misleading as it uses the NRPC mapping with 30m (98 ft) resolution to show areas of impermeable surfaces – buildings, parking lots, sidewalks, etc. but doesn't indicate the still existing vegetated areas along the banks of both Stony Brook and the Souhegan River, much less resolve the waterways themselves. Wilton still has extensive vegetative buffers within the proposed urban exemption area (and indeed in the shoreline protection area) that help preserve the water quality of these two protected rivers.
- 2) There are no known imperatives or requests on behalf of any residents or businesses that would give this irreversible action, if approved, any urgency or rationale. Property owners can apply for permits, most of which are no more burdensome than any other town planning or zoning rules, regulations and fees we have in place today. The one

known exception is the Riverwalk Project which is years away from a phased set of grant requests. Instructively, the Economic Development Team would rather work with DES to do this series of projects correctly and within the permitting process, than risk our river ecology.

- 3) Abandoning state protections in the shoreline protection zone is a slippery slope along our river banks. This exemption gives any developer or property owner carte blanche to build, blacktop and brush-hog with only local oversight. It would eliminate the participation of state experts in evaluating the risks any shoreline project might pose to our rivers. The town would have to assume the responsibility for technical oversight on all shoreline projects, and pass these expenses on to the landowner/developer.
- 4) Which leads to another concern – politics. It may be the view of some that DES's authority is over-reaching, burdensome on tax payers and bordering on draconian. The reality is that without it and legislation like the Shoreland Protection Act, our watersheds, rivers, coast line and lakes would not be what they are today. Local Conservation Commissions, although bound by the RSAs, are advisory only. The decisions of local zoning and planning boards to control and direct shoreline development (or not), in the absence of DES permitting, is subject to challenge only in the courts. DES is the primary independent check advocating for our natural resources early in the process. In that capacity, they work closely with property owners, educating them on creative and simple solutions from smart landscaping choices, like rain gardens, to building options that reduce the square footage of impermeable surfaces. There are published guidelines on how to meet the requirements of the legislation. There are many examples of how builders and individual property owners have created habitats that work for people and the environment.
- 5) And finally, but most importantly, the people of Wilton should be fully informed of the consequences and given a voice in this decision, since it impacts their downtown and the future of their resources.